

1 AN ACT relating to juvenile justice.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 610.030 is amended to read as follows:

4 Except as otherwise provided in KRS Chapters 600 to 645:

- 5 (1) If any person files a complaint alleging that a child, except a child alleged to be
6 neglected, abused, dependent or mentally ill who is subject to the jurisdiction of the
7 court, may be within the purview of KRS Chapters 600 to 645, the court-designated
8 worker shall make a preliminary determination as to whether the complaint is
9 complete. In any case where the court-designated worker finds that the complaint is
10 incomplete, the court-designated worker shall return the complaint without delay to
11 the person or agency originating the complaint or having knowledge of the facts, or
12 to the appropriate law enforcement agency having investigative jurisdiction of the
13 offense, and request additional information in order to complete the complaint. The
14 complainant shall promptly furnish the additional information requested;
- 15 (2) (a) Upon receipt of a complaint which appears to be complete and which alleges
16 that a child has committed a public offense, the court-designated worker shall
17 refer the complaint to the county attorney for review pursuant to KRS
18 635.010.
- 19 (b) If after review the county attorney elects to proceed, the court-designated
20 worker shall conduct a preliminary intake inquiry to recommend whether the
21 interests of the child or the public require that further action be taken or
22 whether, in the interest of justice, the complaint can be resolved informally
23 without the filing of a petition;
- 24 (3) Upon receipt of a complaint that appears to be complete and that alleges that the
25 child has committed a status offense, the court-designated worker shall conduct a
26 preliminary intake inquiry to determine whether the interests of the child or the
27 public require that further action be taken;

- 1 (4) Prior to conducting a preliminary intake inquiry, the court-designated worker shall
2 notify the child and the child's parent, guardian, or other person exercising custodial
3 control or supervision of the child in writing:
- 4 (a) Of their opportunity to be present at the preliminary intake inquiry;
- 5 (b) That they may have counsel present during the preliminary intake inquiry as
6 well as the formal conference thereafter;
- 7 (c) 1. That all information supplied by the child to a court-designated worker
8 during any process prior to the filing of the petition shall be deemed
9 confidential and shall not be subject to subpoena or to disclosure
10 without the written consent of the child.
- 11 2. Information may be shared between treatment providers, the court-
12 designated worker, and the family accountability, intervention, and
13 response team to enable the court-designated worker to facilitate
14 services and facilitate compliance with the diversion agreement; and
- 15 (d) That the child has the right to deny the allegation and demand a formal court
16 hearing;
- 17 (5) The preliminary intake inquiry shall include the administration of an evidence-based
18 screening tool and, if appropriate and available, a validated risk and needs
19 assessment, in order to identify whether the child and his or her family are in need
20 of services and the level of intervention needed;
- 21 (6) Upon the completion of the preliminary intake inquiry, the court-designated worker
22 may:
- 23 (a) If the complaint alleges a status offense, determine that no further action be
24 taken subject to review by the family accountability, intervention, and
25 response team;
- 26 (b) If the complaint alleges a public offense, refer the complaint to the county
27 attorney;

- 1 (c) Refer a public offense complaint for informal adjustment; or
- 2 (d) Based upon the results of the preliminary intake inquiry, other information
- 3 obtained, and a determination that the interests of the child and the public
- 4 would be better served, and with the written approval of the county attorney
- 5 for a public offense complaint, if necessary, conduct a formal conference and
- 6 enter into a diversion agreement;
- 7 (7) Upon receiving written approval of the county attorney, if necessary, to divert a
- 8 public offense complaint, and prior to conducting a formal conference, the court-
- 9 designated worker shall advise in writing the complainant, the victim if any, and the
- 10 law enforcement agency having investigative jurisdiction of the offense:
- 11 (a) Of the recommendation and the reasons therefor and that the complainant,
- 12 victim, or law enforcement agency may submit within ten (10) days from
- 13 receipt of such notice a complaint to the county attorney for special review; or
- 14 (b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact
- 15 that the child was statutorily entitled to divert the case;
- 16 (8) A formal conference shall include the child and his or her parent, guardian, or other
- 17 person exercising custodial control or supervision. The formal conference shall be
- 18 used to:
- 19 (a) Present information obtained at the preliminary intake inquiry; and
- 20 (b) Develop a diversion agreement that shall require that the child regularly attend
- 21 school, shall not exceed six (6) months in duration, and may include:
- 22 1. Referral of the child, and family if appropriate, to a public or private
- 23 entity or person for the provision of identified services to address the
- 24 complaint or assessed needs;
- 25 2. Referral of the child, and family if appropriate, to a community service
- 26 program within the limitations provided under KRS 635.080(2);
- 27 3. Restitution, limited to the actual pecuniary loss suffered by the victim, if

- 1 the child has the means or ability to make restitution;
- 2 4. Notification that the court-designated worker may apply graduated
- 3 sanctions for failure to comply with the diversion agreement;
- 4 5. Any other program or effort which reasonably benefits the community
- 5 and the child; and
- 6 6. A plan for monitoring the child's progress and completion of the
- 7 agreement;
- 8 (9) (a) If a child successfully completes a diversion agreement, the underlying
- 9 complaint shall be dismissed and further action related to that complaint shall
- 10 be prohibited.
- 11 (b) If a child fails to appear for a preliminary intake inquiry, declines to enter into
- 12 a diversion agreement, or fails to complete a diversion agreement, then:
- 13 1. For a public offense complaint, the matter shall be referred to the county
- 14 attorney for formal court action and, if a petition is filed, the child may
- 15 request that the court dismiss the complaint based upon his or her
- 16 substantial compliance with the terms of diversion; and
- 17 2. For a status offense complaint, the court-designated worker shall refer
- 18 the matter to the family accountability, intervention, and response team
- 19 for review and further action.
- 20 **(c) If the child enters into a diversion agreement or is referred to the family**
- 21 **accountability, intervention, and response team for truancy and there is no**
- 22 **improvement within thirty (30) days, the complaint shall be referred to the**
- 23 **court.**
- 24 **(d) If a child fails to appear for preliminary intake inquiry or fails to complete a**
- 25 **diversion agreement due to lack of parental cooperation, the court-**
- 26 **designated worker shall make a finding that the diversion is failed due to**
- 27 **lack of parent cooperation;**

1 (10) If a complaint is referred to the court, the complaint and findings of the court-
2 designated worker's preliminary intake inquiry shall be submitted to the court for
3 the court to determine whether process should issue;

4 **(11) If the court receives a complaint with findings that the diversion is failed due to**
5 **lack of parental cooperation, the court may order parental cooperation and refer**
6 **the case back to the court-designated worker;** and

7 ~~(12)~~~~(11)~~ At any stage in the proceedings described in this section, the court or the
8 county attorney may review any decision of the court-designated worker. The court
9 upon its own motion or upon written request of the county attorney may refer any
10 complaint for a formal hearing.

11 ➔Section 2. KRS 610.265 is amended to read as follows:

12 (1) Any child who is alleged to be a status offender or who is accused of being in
13 contempt of court on an underlying finding that the child is a status offender may be
14 detained in a nonsecure facility or a secure juvenile detention facility for a period of
15 time not to exceed twenty-four (24) hours, exclusive of weekends and holidays,
16 pending a detention hearing. Any child who is accused of committing a public
17 offense or of being in contempt of court on an underlying public offense may be
18 detained in a secure juvenile detention facility or a nonsecure setting approved by
19 the Department of Juvenile Justice for a period of time not to exceed forty-eight
20 (48) hours, exclusive of weekends and holidays, pending a detention hearing.

21 **(2) Any child accused of committing a public offense that would be considered a**
22 **violent felony offense as defined in KRS 532.200 shall be detained in a secure**
23 **juvenile detention facility for a period of time not to exceed forty-eight (48) hours,**
24 **exclusive of weekends and holidays, pending a detention hearing.**

25 ~~(3)~~~~(2)~~ Within the period of detention described in subsection (1) of this section,
26 exclusive of weekends and holidays, a detention hearing shall be held by the judge
27 or trial commissioner of the court for the purpose of determining whether the child

1 shall be further detained. At the hearing held pursuant to this subsection, the court
2 shall consider the nature of the offense, the child's background and history, and
3 other information relevant to the child's conduct or condition.

4 ~~(4)~~⁽³⁾ If the court orders a child detained further, that detention shall be served as
5 follows:

- 6 (a) If the child is charged with a capital offense, Class A felony, or Class B
7 felony, detention shall occur in a secure juvenile detention facility pending the
8 child's next court appearance subject to the court's review of the detention
9 order prior to that court appearance;
- 10 (b) Except as provided in KRS 630.080(2), if it is alleged that the child is a status
11 offender, the child may be detained in a secure juvenile detention facility for a
12 period not to exceed twenty-four (24) hours after which detention shall occur
13 in a nonsecure setting approved by the Department of Juvenile Justice pending
14 the child's next court appearance subject to the court's review of the detention
15 order prior to the next court appearance;
- 16 (c) If a status offender or a child alleged to be a status offender is charged with
17 violating a valid court order, the child may be detained in a secure juvenile
18 detention facility, or in a nonsecure setting approved by the Department of
19 Juvenile Justice, for a period not to exceed forty-eight (48) hours, exclusive of
20 weekends and holidays, pending the child's next court appearance;
- 21 (d) Prior to ordering a status offender or alleged status offender who is subject to
22 a valid court order securely detained because the child violated the valid court
23 order, the court shall:
- 24 1. Affirm that the requirements for a valid court order were met at the time
25 the original order was issued;
 - 26 2. Make a determination during the adjudicatory hearing that the child
27 violated the valid court order; and

1 3. Within forty-eight (48) hours after the adjudicatory hearing on the
2 violation of a valid court order by the child, exclusive of weekends and
3 holidays, receive and review a written report prepared by an appropriate
4 public agency that reviews the behavior of the child and the
5 circumstances under which the child was brought before the court,
6 determines the reasons for the child's behavior, and determines whether
7 all dispositions other than secure detention have been exhausted or are
8 inappropriate. If a prior written report is included in the child's file, that
9 report shall not be used to satisfy this requirement. The child may be
10 securely detained for a period not to exceed forty-eight (48) hours,
11 exclusive of weekends and holidays, pending receipt and review of the
12 report by the court. The hearing shall be conducted in accordance with
13 the provisions of KRS 610.060. The findings required by this subsection
14 shall be included in any order issued by the court which results in the
15 secure or nonsecure detention of a status offender; and

16 (e) If the child is charged with a public offense, or contempt on a public offense,
17 and the county in which the case is before the court is served by a state
18 operated secure detention facility under the statewide detention plan, the child
19 shall be referred to the Department of Juvenile Justice for a security
20 assessment and placement in an approved detention facility or program
21 pending the child's next court appearance.

22 ~~(5)~~~~((4))~~ If, at the hearing conducted under subsection ~~(3)~~~~((2))~~ of this section, the court
23 conducts an adjudicatory hearing on the merits of a violation of a valid court order,
24 that hearing shall conform to the requirements of KRS 630.080.

25 ~~(6)~~~~((5))~~ If the detention hearing is not held as provided in subsection (1) of this
26 section, the child shall be released as provided in KRS 610.290.

27 ~~(7)~~~~((6))~~ If the child is not released, the court-designated worker shall notify the parent,

1 person exercising custodial control or supervision, a relative, guardian, or other
2 responsible adult, and the Department of Juvenile Justice or the cabinet, as
3 appropriate.

4 ➔Section 3. KRS 610.340 is amended to read as follows:

- 5 (1) (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise,
6 all juvenile court records of any nature generated pursuant to KRS Chapters
7 600 to 645 by any agency or instrumentality, public or private, shall be
8 deemed to be confidential and shall not be disclosed except to the child,
9 parent, victims, or other persons authorized to attend a juvenile court hearing
10 pursuant to KRS 610.070 unless ordered by the court for good cause.
- 11 (b) Juvenile court records which contain information pertaining to arrests,
12 petitions, adjudications, and dispositions of a child may be disclosed to
13 victims or other persons authorized to attend a juvenile court hearing pursuant
14 to KRS 610.070.
- 15 (c) Release of the child's treatment, medical, mental, or psychological records is
16 prohibited unless presented as evidence in Circuit Court. Any records
17 resulting from the child's prior abuse and neglect under Title IV-E or Title IV-
18 B of the Federal Social Security Act shall not be disclosed to victims or other
19 persons authorized to attend a juvenile court hearing pursuant to KRS
20 610.070.
- 21 (d) Victim access under this subsection to juvenile court records shall include
22 access to records of adjudications that occurred prior to July 15, 1998.
- 23 (2) The provisions of this section shall not apply to public officers or employees
24 engaged in the investigation of and in the prosecution of cases under KRS Chapters
25 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained
26 pursuant to this subsection shall be used for official use only, shall not be disclosed
27 publicly, and shall be exempt from disclosure under the Open Records Act, KRS

1 61.870 to 61.884.

2 (3) The provisions of this section shall not apply to any peace officer, as defined in
3 KRS 446.010, who is engaged in the investigation or prosecution of cases under
4 KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any
5 record obtained pursuant to this subsection shall be used for official use only, shall
6 not be disclosed publicly, and shall be exempt from disclosure under the Open
7 Records Act, KRS 61.870 to 61.884.

8 (4) The provisions of this section shall not apply to employees of the Department of
9 Juvenile Justice or cabinet or its designees responsible for any services under KRS
10 Chapters 600 to 645 or to attorneys for parties involved in actions relating to KRS
11 Chapters 600 to 645 or other prosecutions authorized by the Kentucky Revised
12 Statutes.

13 (5) The provisions of this section shall not apply to records disclosed pursuant to KRS
14 610.320 or to public or private elementary and secondary school administrative,
15 transportation, and counseling personnel, to any teacher or school employee with
16 whom the student may come in contact, or to persons entitled to have juvenile
17 records under KRS 610.345, if the possession and use of the records is in
18 compliance with the provisions of KRS 610.345 and this section.

19 **(6) The provisions of this section shall not apply to records or proceedings in any**
20 **case in which a child has admitted to or been adjudicated for a violent felony**
21 **offense as defined in KRS 532.200.**

22 ~~(7)~~ No person, including school personnel, shall disclose any confidential record
23 or any information contained therein except as permitted by this section or other
24 specific section of KRS Chapters 600 to 645, or except as permitted by specific
25 order of the court.

26 ~~(8)~~ No person, including school personnel, authorized to obtain records pursuant
27 to KRS Chapters 600 to 645 shall obtain or attempt to obtain confidential records to

1 which he is not entitled or for purposes for which he is not permitted to obtain them
2 pursuant to KRS Chapters 600 to 645.

3 ~~(9)~~~~(8)~~ No person, including school personnel, not authorized to obtain records
4 pursuant to KRS Chapters 600 to 645 shall obtain or attempt to obtain records
5 which are made confidential pursuant to KRS Chapters 600 to 645 except upon
6 proper motion to a court of competent jurisdiction.

7 ~~(10)~~~~(9)~~ No person shall destroy or attempt to destroy any record required to be kept
8 pursuant to KRS Chapters 600 to 645 unless the destruction is permitted pursuant to
9 KRS Chapters 600 to 645 and is authorized by the court upon proper motion and
10 good cause for the destruction being shown.

11 ~~(11)~~~~(10)~~ As used in this section the term "KRS Chapters 600 to 645" includes any
12 administrative regulations which are lawfully promulgated pursuant to KRS
13 Chapters 600 to 645.

14 ~~(12)~~~~(11)~~ Nothing in this section shall be construed to prohibit a crime victim from
15 speaking publicly after the adjudication about his or her case on matters within his
16 or her knowledge or on matters disclosed to the victim during any aspect of a
17 juvenile court proceeding.

18 ➔Section 4. KRS 635.060 is amended to read as follows:

19 If in its decree the juvenile court finds that the child comes within the purview of this
20 chapter, the court, at the dispositional hearing, may impose any combination of the
21 following, except that the court shall, if a validated risk and needs assessment tool is
22 available, consider the validated risk and needs assessment submitted to the court and
23 parties by the Department of Juvenile Justice or other agency before imposing any
24 disposition:

25 (1) Order the child or his parents, guardian, or person exercising custodial control to
26 make restitution or reparation to any injured person to the extent, in the sum and
27 upon the conditions as the court determines. However, no parent, guardian, or

1 person exercising custodial control shall be ordered to make restitution or reparation
2 unless the court has provided notice of the hearing, provided opportunity to be
3 heard, and made a finding that the person's failure to exercise reasonable control or
4 supervision was a substantial factor in the child's delinquency;

5 (2) (a) Place the child:

6 1. Under parental supervision in the child's own home or in a suitable
7 home or boarding home, upon the conditions that the court shall
8 determine, or

9 2. On probation under conditions that the court shall determine.

10 (b) 1. At the time the child is placed on probation, the court shall explain to
11 the child the sanctions which may be imposed if the court's conditions
12 are violated, and shall include notice of those sanctions as part of its
13 written order of probation. A child placed on probation shall be subject
14 to the visitation and supervision of a probation officer or an employee of
15 the Department of Juvenile Justice.

16 2. The conditions of probation shall include authorization for the use of
17 graduated sanctions prior to a court review for the imposition of a term
18 of detention. If the court has previously imposed graduated sanctions for
19 a violation of conditions of supervision by a child monitored by the
20 court, or makes a finding that the graduated sanctions have previously
21 been imposed for a child on probation, then the court may impose a
22 sanction of up to thirty (30) days' detention for a violation of the
23 conditions of supervision or probation. A court may not impose
24 detention prior to use of graduated sanctions unless there is clear and
25 convincing evidence that there are no graduated sanctions available that
26 are appropriate for the child and the child is an immediate threat to
27 himself or others. Except where commitment has been probated

1 pursuant to subsection (5) of this section, a child may not be committed
2 or recommitted to the Department of Juvenile Justice for a violation of a
3 condition of probation.

4 (c) A child placed on probation or supervision with court monitoring shall remain
5 subject to the jurisdiction of the court as follows, except that if a person is
6 placed on probation after the person reaches the age of seventeen (17) years
7 and six (6) months, the probation shall be for a period not to exceed one (1)
8 year:

- 9 1. If the child was adjudicated for an offense that would be a violation if
10 committed by an adult, the period of probation or supervision shall not
11 exceed thirty (30) days, except that the court may order up to three (3)
12 months of supervision if the court-ordered treatment includes a program
13 that requires longer than thirty (30) days to complete;
- 14 2. If the child was adjudicated for an offense that would be a misdemeanor
15 if committed by an adult, other than an offense for which a child has
16 been declared a juvenile sex offender under KRS 635.510 or an offense
17 involving a deadly weapon, the period of probation or supervision shall
18 not exceed six (6) months, except that the court may order up to twelve
19 (12) months of supervision if the court-ordered substance abuse or
20 mental health treatment includes a program that requires longer than six
21 (6) months to complete;
- 22 3. If the child was adjudicated for an offense that would be a Class D
23 felony if committed by an adult, other than an offense for which a child
24 has been declared a juvenile sex offender under KRS 635.510 or an
25 offense involving a deadly weapon, the period of probation or
26 supervision shall not exceed twelve (12) months; or
- 27 4. If the child was adjudicated for an offense that would be a felony offense

1 if committed by an adult, other than a Class D felony offense, or for an
2 offense involving a deadly weapon, or for an offense in which the child
3 has not been declared a sexual offender pursuant to KRS 635.510, the
4 child may be placed on probation up to age eighteen (18).

5 **Upon completion of the probationary period, the child shall be deemed**
6 **finally discharged if there is not a probation violation pending against the**
7 **child at the time of completion. If there is a probation violation pending**
8 **against the child at the time of completion, the probationary period shall**
9 **remain open until the violation is resolved;**

10 (3) (a) If the child was adjudicated for an offense other than an offense that would be
11 a violation if committed by an adult, order the child confined in an approved
12 secure detention facility or detention program, as authorized by KRS Chapter
13 15A, as follows:

- 14 1. If the child is fourteen (14) years of age but less than sixteen (16) years
15 of age, the child may be confined for a period of time not to exceed
16 forty-five (45) days; or
- 17 2. If the child is sixteen (16) years of age or older, the child may be
18 confined for a period of time not to exceed ninety (90) days.

19 (b) The Department of Juvenile Justice shall pay for the confinement of children
20 confined pursuant to this subsection in accordance with the statewide
21 detention plan and administrative regulations implementing the plan;

22 (4) (a) Order the child to be committed or recommitted to the custody of the
23 Department of Juvenile Justice, grant guardianship to a child-caring facility or
24 a child-placing agency authorized to care for the child, or place the child under
25 the custody and supervision of a suitable person if:

- 26 1. The child was adjudicated for an offense that would be a misdemeanor
27 or Class D felony if committed by an adult and the child has at least

- 1 three (3) prior adjudications, excluding prior adjudications of offenses
2 designated as a violation, or at least four (4) prior adjudications of
3 violations, which do not arise from the same course of conduct; or
- 4 2. The child was adjudicated for an offense involving a deadly weapon, an
5 offense in which the child has been declared a juvenile sexual offender
6 under KRS 635.510, or an offense that would be a felony offense if
7 committed by an adult, other than a Class D felony.
- 8 (b) The commitment shall be for the following term, subject to KRS 635.070 and
9 the power of the court to terminate the order and discharge the child prior
10 thereto:
- 11 1. If the child was adjudicated for an offense that would be a misdemeanor
12 if committed by an adult, other than an offense for which a child has
13 been declared a juvenile sex offender under KRS 635.510 or an offense
14 involving a deadly weapon, the child may be committed for a period not
15 to exceed twelve (12) months, including all time spent in the treatment
16 plan established pursuant to KRS 15A.0652;
- 17 2. If the child was adjudicated for an offense that would be a Class D
18 felony if committed by an adult, other than an offense for which a child
19 has been declared a juvenile sex offender under KRS 635.510 or an
20 offense involving a deadly weapon, the child may be committed for a
21 period not to exceed eighteen (18) months, including all time spent in
22 the treatment plan established pursuant to KRS 15A.0652;
- 23 3. If the child was adjudicated for an offense that would be a felony offense
24 if committed by an adult, other than a Class D felony offense, or an
25 offense involving a deadly weapon, the child may be committed up to
26 age eighteen (18);
- 27 4. If the child was adjudicated for an offense that results in the child being

1 declared a juvenile sexual offender, the commitment shall be as
2 provided in KRS 635.515;

3 5. The court, in its discretion, upon motion by the child and with the
4 concurrence of the Department of Juvenile Justice, may authorize an
5 extension of commitment up to age twenty-one (21) to permit the
6 Department of Juvenile Justice to assist the child in establishing
7 independent living arrangements; and

8 6. If a child is committed after the child reaches the age of seventeen (17)
9 years and six (6) months, and except as provided in subparagraph 4. of
10 this paragraph, the commitment shall be for a period not to exceed one
11 (1) year.

12 (c) The Department of Juvenile Justice shall:

13 1. Accept physical custody of a child who is detained in an approved
14 secure juvenile detention facility in accordance with KRS 15A.200 to
15 15A.240 at the time the child is committed or recommitted to the
16 custody of the Department of Juvenile Justice. The Department of
17 Juvenile Justice shall remove the child from the approved secure
18 juvenile detention facility and secure appropriate placement as soon as
19 possible but not to exceed thirty-five (35) days of the time of
20 commitment or recommitment; and

21 2. Pay for the cost of detention from the date of commitment or
22 recommitment, on the current charge, until the child is removed from the
23 detention facility and placed.

24 (d) All orders of commitment may include advisory recommendations the court
25 may deem proper in the best interests of the child and of the public; or

26 (5) (a) The court may probate or suspend a commitment ordered pursuant to
27 subsection (4) of this section, except that if a court probates or suspends a

1 commitment in conjunction with any other dispositional alternative, that fact
2 shall be explained to the juvenile and contained in a written order.

3 (b) Any probation or suspension imposed shall not exceed the time limitations
4 established under subsection (2) of this section.

5 (c) If the child successfully completes the conditions of probation, the court shall
6 terminate the case.

7 (d) 1. The court may, for violations of the conditions of probation, revoke the
8 probation or suspension ordered under this section and order the child
9 committed.

10 2. The period of the commitment shall not exceed the terms established
11 under subsection (4) of this section.

12 3. Any time a child has spent in out-of-home placement as a result of a
13 violation of a condition of probation or suspension under this section
14 shall be credited toward the period of commitment.

15 4. If a commitment is probated or suspended after a child reaches the age
16 of seventeen (17) years and six (6) months, the period of the suspension,
17 and commitment if revoked, shall be for a period not to exceed one (1)
18 year, but not to exceed age nineteen (19).